

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE HOME LOAN CENTER,

Plaintiff,

v.

Case No. 06-10379

AMBER THOMPCKINS and
LAWRENCE THOMPCKINS,

HONORABLE AVERN COHN

Defendants.

**ORDER ENJOINING DEFENDANTS FROM FILING FURTHER PAPERS
WITHOUT FIRST SEEKING AND OBTAINING LEAVE OF COURT
BY THE PRESIDING JUDGE**

This is a landlord-tenant case governed by state law. The case is closed.

On January 27, 2006, Defendant Amber Thompkins (Thompkins), proceeding pro se, filed a 45-page notice of removal removing this case to this Court from the 14B District Court in Ypsilanti, Michigan. Plaintiff The Home Loan Center (HLC) filed the complaint in state court seeking to terminate the tenancy of Defendants.

On February 2, 2006, the Court entered an order (1) finding the notice of removal to be frivolous, (2) sua sponte dismissing the case for lack of subject matter jurisdiction, and (3) remanding the case to Michigan's 14B District Court.

Despite the Court dismissing the case and remanding it to state court, Thompkins filed a series of papers, two of which were labeled motions, on February 6, 2006, and February 10, 2006. On February 14, 2006, the Court entered an order denying the motions as moot because the Court no longer has jurisdiction over the

case. The order also directed Thompkins to file all future papers related to this case in state court.

Thompkins now has filed a paper titled “Notice and Demand for Temporary Assignment of a Article III Judge of the Court of International Treaties to Preside Over This District Court of the United States: 28 U.S.C. 293, 296, 297, 461(b).” Thompkins filed this paper with the Court and with the Court of Appeals for the Sixth Circuit. This latest 40-page filing, like Thompkins’ prior filings, is devoid of merit.

The Sixth Circuit has held that district courts may properly enjoin vexatious litigants from filing further actions against a defendant without first obtaining leave of court. Feathers v. Chevron U.S.A., Inc., 141 F.3d 264, 269 (6th Cir. 1998) (“There is nothing unusual about imposing prefiling restrictions in matters with a history of repetitive or vexatious litigation.”); see also Filipas v. Lemons, 690 F.2d 1145, 1146 (6th Cir. 1987). A prefiling review requirement is a judicially imposed remedy whereby a plaintiff must obtain leave of the district court to assure that the claims are not frivolous or harassing. See, e.g., Ortman v. Thomas, 99 F.3d 807, 811 (6th Cir. 1996). Often a litigant is merely attempting to collaterally attack prior unsuccessful suits. Filipas, 835 F.2d at 1146.

Accordingly, it is ordered that defendants are ENJOINED and RESTRAINED from filing any future papers in the United States District Court for the Eastern District of Michigan without seeking and obtaining leave of court by the presiding judge.¹

SO ORDERED.

Dated: February 21, 2006
Detroit, Michigan

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

¹ The district judges rotate acting as the presiding judge and are usually designated for one-week periods. The name of the presiding judge is not disclosed before Monday at 8:30 am and can be obtained by contacting the Clerk's office. See E.D. Mich. LR 77.2